

United States District Court
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

CRAIG CUNNINGHAM,

Plaintiff,

v.

BRITEREAL MANAGEMENT INC.
and ANNA YEH,

Defendants.

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Civil Action No. 4:20-cv-144-ALM-KPJ

ORDER OF DISMISSAL

On August 31, 2021, Plaintiff Craig Cunningham (“Plaintiff”) filed a Joint Motion to Dismiss Without Prejudice (the “Motion”) (Dkt. #39). In the Motion, Plaintiff notifies the Court that he wishes to dismiss his remaining claim against Defendants and Defendants’ counterclaim without prejudice. *Id.* On September 1, 2021, Defendants filed a response (Dkt. #42), wherein they advise that they do not oppose the dismissal of Plaintiff’s claim and their counterclaim.

Federal Rule of Civil Procedure 41(a)(2) provides:

Except as provided in Rule 41(a)(1), an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper. If a defendant has pleaded a counterclaim before being served with the plaintiff’s motion to dismiss, the action may be dismissed over the defendant’s objection only if the counterclaim can remain pending for independent adjudication.

FED. R. CIV. P. 41(a)(2).

Accordingly, the Motion (Dkt. #39) is hereby **GRANTED**.

It is hereby **ORDERED, ADJUDGED, AND DECREED** that this entire action, and all of the claims asserted therein, be **DISMISSED WITHOUT PREJUDICE**. Each party shall bear its own costs.

All relief not previously granted is hereby **DENIED**, and the Clerk is directed to **CLOSE** this civil action.

IT IS SO ORDERED.

SIGNED this 8th day of September, 2021.



AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE